

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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JESSICA T. BADILLA, et al.,

Plaintiffs,

v.

NATIONAL AIR CARGO, INC., et al.,

Defendants.

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**ORDER**  
12-CV-1066A

The above-referenced case was referred to Magistrate Judge Jeremiah J. McCarthy pursuant to 28 U.S.C. § 636(b)(1)(B). On September 30, 2013, Magistrate Judge McCarthy filed a Report and Recommendation [50], recommending that plaintiffs' motion to remand [18, 24] be denied, without prejudice to renewal following completion of limited discovery as specified in the Report and Recommendation, and that defendant Transafrik International Ltd.'s motion to dismiss [37] be denied, without prejudice to renewal, if it is determined that subject matter jurisdiction over the action exists.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

**ORDERED**, pursuant to 28 U.S.C. § 636(b)(1), for the reasons set forth in the Report and Recommendation [50], plaintiffs' motion to remand [18, 24]

is denied, without prejudice to renewal following completion of limited discovery as specified in the Report and Recommendation, and defendant Transafrik International Ltd.'s motion to dismiss [37] is denied, without prejudice to renewal, if it is determined that subject matter jurisdiction exists.

The case is referred back to Magistrate Judge McCarthy for further proceedings.

SO ORDERED.

*s/ Richard J. Arcara*

HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT JUDGE

DATED: October 21, 2013